

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

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ISLET SCIENCES, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AVOLYNT, INC., BRIGHTHAVEN	:	5:19-CV-145-D
VENTURES, LLC, WILLIAM WILKISON,	:	
and JAMES GREEN,	:	
	:	
Defendants.	:	
	:	
And	:	
	:	
AVOLYNT, INC., BRIGHTHAVEN	:	
VENTURES, LLC, WILLIAM WILKISON,	:	
and JAMES GREEN,	:	
	:	
Third-Party Plaintiffs,	:	
	:	
v.	:	
	:	
ISLET SCIENCES, INC., JOHN F. STEEL,	:	
IV., LARRY K. ELLINGSON, JAMES A.	:	
HARPER, RICHARD D. PILNIK, EUGENE	:	
M. MANNHEIMER, and GARY R.	:	
KEELING	:	
	:	
Counterclaim/Third-Party Defendants.	:	
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JOINT MOTION
FOR EXTENSION OF TIME TO FACILITATE SETTLEMENT DISCUSSIONS

Pursuant to Fed. R. Civ. P. 6(b) and EDNC Local Rule 6.1, Plaintiff/Counterclaim Defendant Islet Sciences, Inc.; Third-Party Defendants John Steel, Larry Ellingson, James Harper, Richard Pilnik, Eugene Mannheimer, and Gary Keeling; and Defendants Avolynt, Inc., Brighthaven Ventures LLC, James Green, and William Wilkison (collectively, the “Parties”), seek, for good cause, a third 45-day extension of the deadlines in this case in order to facilitate settlement discussions between the Parties. In support of this Motion, the Parties state as follows:

1. On February 17, 2020, the Court entered the Scheduling Order for this case (ECF No. 110).

2. On February 4, 2021, the Court amended the Scheduling Order at Plaintiff and Third-Party Defendants’ request (ECF No. 151).

3. In August 2021, the Parties began discussing the potential for settlement in this case and the parallel Islet bankruptcy proceeding pending in the District of Nevada (*In re Islet Sciences*, No. 19-13366-MKN (Bankr. D. Nev.)).

4. On August 20, 2021, at the Parties’ request, the Court granted a 45-day extension of discovery and all remaining case deadlines so that the Parties could pursue settlement discussions without impacting their ability to comply with the case schedule in the event discussions were unsuccessful (ECF No. 155). During the initial 45-day period, the Parties engaged in productive discussions regarding a possible global settlement. These discussions included both the principals and attorneys of the Parties, in both this Litigation and the bankruptcy matter.

5. On October 11, 2021, the Court granted a second 45-day extension of discovery and all remaining case deadlines so that the Parties could further pursue settlement discussions without impacting their ability to comply with the case schedule in the event discussions were

unsuccessful (ECF No. 158). During the second 45-day period, the Parties continued productive discussions regarding a possible global settlement. These discussions included email correspondence and an in-person meeting of the Parties' principals, resulting in an agreement to conduct formal mediation.

6. The Parties would now like to conduct formal mediation, scheduled for December 10, 2021, and engage in follow-on discussions, if any.

7. For the next 45 days, the Parties would like to focus resources and attention on possible settlement, but preserve that litigation time if settlement is not possible.

8. The Parties will file with the Court a joint status report on the outcome of settlement discussions and mediation on or before the end of the 45-day settlement period (January 6, 2022).

9. This Motion is not made for the purpose of delay and will not prejudice any Party.

WHEREFORE the Parties, for good cause, respectfully request that this Court enter an Order extending all pending case deadlines by 45 days, as set forth below:

Deadline	Current Date	Proposed Date
Reports for retained experts	April 21, 2022	June 6, 2022
Reports from rebuttal experts	May 30, 2022	July 14, 2022
All discovery completed	July 25, 2022	September 8, 2022
Dispositive motions	August 29, 2022	October 13, 2022

Dated: November 22, 2021

Respectfully submitted,

/s/ Alec P. Harris

Alec P. Harris

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LLC, William Wilkison, and James Green*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served on all counsel of record via the CM/ECF system.

Dated: November 22, 2021

By: /s/ Marina Brainerd
Marina Brainerd